

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MICHAEL GAFFNEY,	:	
	:	
Plaintiff,	:	18-CV-8770 (GBD) (OTW)
	:	23-CV-5669 (GBD) (OTW)
-against-	:	
	:	
MUHAMMAD ALI ENTERPRISES LLC, et al.,	:	
	:	
Defendants.	:	<b><u>OPINION &amp; ORDER</u></b>
	:	
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**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of Plaintiff’s motion to consolidate 23-CV-5669 (“the 2023 Action”) with the related actions 18-CV-8770 (“the 2018 Action”) and 20-CV-7113.<sup>1</sup> (ECF 20).

Under Rule 42(a) of the Federal Rules of Civil Procedure, the Court may, in its discretion, deny consolidation when the individual cases are at vastly different procedural stages and consolidation would delay the processing of one of the individual cases or waste judicial resources. *Ekpe v. City of New York*, 2021 WL 5999204, at \*4 (S.D.N.Y. Dec. 20, 2021); *In re 650 Fifth Avenue and Related Properties*, 2020 WL 1124767, at \*7 (S.D.N.Y. Mar. 6, 2020). That is the case here. The 2018 Action is trial-ready and is scheduled for trial in March 2024. Plaintiff filed the 2023 Action as an end-run around Judge Daniels’s prior rulings denying Plaintiff’s belated request to add back three photos into the 2018 Action that Plaintiff had previously conceded were not in issue. *See* Case No. 1:18-cv-8770, ECF Nos. 151 at 1-2; 179 at 4; 200. The 2023 Action also raises claims regarding ten new photos that were never litigated or raised in

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<sup>1</sup> 20-CV-7113 was consolidated with the 2018 Case on September 9, 2021. (Case No. 1:18-cv-8770, ECF 109).

the 2018 Action. *See* Case No. 1:18-cv-8770, ECF 125. Consolidating these cases would cause delay and prejudice and waste judicial resources. Accordingly, Plaintiff's motion to consolidate (ECF 20) is **DENIED**. Plaintiff's letter motion to seal (ECF 19) is **DENIED AS MOOT**.

The 2023 Action is **STAYED** pending the outcome of the trial in the 2018 Action.

The Clerk of Court is respectfully directed to close ECF Nos. 19 and 20.

**SO ORDERED.**

Dated: October 6, 2023  
New York, New York

*s/ Ona T. Wang*

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**Ona T. Wang**  
United States Magistrate Judge